

Application No. 10/624,331
Response Under 37 C.F.R. § 1.116 dated May 19, 2008
Reply to Office Action of December 17, 2007

REMARKS

Status Of Application

Claims 1-9 are pending in the application; the status of the claims is as follows:

Claims 1, 4, and 6-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. US 2002/0053223 to Nishikawa (“Nishikawa”) and U.S. Patent No. 5,738,701 to Ikeuchi (“Ikeuchi”) in view of Machine Translation of Japanese Publication No. 2003-146673 to Tomisaka (“Tomisaka”).

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa and Ikeuchi and in view of Tomisaka, as applied to claim 1 above, and further in view of Abstract of Japanese Publication No. 60-171231 to Shimizu et al. (“Shimizu”).

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa and Ikeuchi and in view of Tomisaka, as applied to claim 1 above, in further view of U.S. Patent No. 6,288,849 B1 to Teramoto (“Teramoto”).

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-9 under 35 U.S.C. § 103(a), as being unpatentable over Nishikawa and Ikeuchi in view of Tomisaka, Shimizu and Teramoto, is respectfully traversed based on the following:

Each of the rejections under 35 U.S.C. § 103(a) are made in view of Tomisaka. Tomisaka was published in Japan on May 21, 2003. This application claims priority to Japanese Patent Application 2003-141005, which was filed on May 19, 2003. In accordance with 37 C.F.R. § 1.55(a)(4)(ii)(B), a certified translation of the priority document is provided herewith. Therefore, Tomisaka is not prior art to this application.

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Accordingly, because each rejection is based on Tomisaka, it is respectfully requested that the rejection of claims 1-9, be reconsidered and withdrawn.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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